UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,650	02/25/2002	Richard E. Rowe	29757/P-480	3654

4743 7590 07/15/2005	EXAMINER
MARSHALL, GERSTEIN & BORUN LLP	JONES, SCOTT E
233 S. WACKER DRIVE, SUITE 6300	

ART UNIT	PAPER NUMBER
3713	

SEARS TOWER
CHICAGO, IL 60606

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/082,650	ROWE, RICHARD E.
	Examiner	Art Unit
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32 and 37-42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32 and 37-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 June 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is in response to the amendment filed on February 1, 2005 in which

applicant responds to the claim rejections. Claims 1-32 and 37-42 are pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 16-18, 22-24, 29-32, 37, and 40-42 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wiltshire et al. (U.S. 6,409,602).

Wiltshire et al. discloses a slim terminal gaming system wherein a player(s) at a remote

client/terminal computer(s) is allowed to access one or more computer game programs via one or

more server/host computers through a network, such as, the Internet. Wiltshire et al. additionally

discloses:

Regarding Claims 16, 22, 29, 31, 32, 37, 40, 41, and 42:

- a first gaming server (server/host computer **110**) that facilitates play of a first game by a

    player utilizing one of said remote player devices (remote client/terminal computers **120**),

    said first gaming server comprising a controller that comprises a processor and a memory

    in which image data corresponding to a video image representing said first game is

    stored, said controller being programmed to facilitate play of said first game and said first

    game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1,

Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44);

- a second gaming server (server/host computer **110**) that facilitates play of a second game by a player utilizing one of said remote player devices (remote client/terminal computers **120**), said second game being different than said first game, said second gaming server comprising a controller that comprises a processor and a memory in which image data corresponding to a video image representing said second game is stored, said controller of said second gaming server being programmed to facilitate play of said second game and said second game being one of the following games: poker, blackjack, slots, keno or bingo (Claim 1, Figure 1D, Column 4, lines 43-65, Column 5, lines 45-65, Column 9, lines 13-37, Column 10, lines 6-14, Column 10, lines 54-61, Column 11, lines 39-43, and Column 1, lines 26-44); and

- a website server (network interface **110/115**) that is capable of being operatively coupled via the Internet (communication pathways **130**) to said remote player devices, said website server capable of being operatively coupled to said first and second gaming servers, said website server comprising (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1):

  - a controller that comprises a processor and a memory (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1); and

  - a network communications circuit coupled to said controller of said website server, said network communications circuit allowing data to be communicated between said

controller of said website server and said remote player devices (Figures 1A, 1D, Column 3, line 61-Column 4, line 3, Column 5, lines 30-44, and Claim 1),

- said controller of said website server being programmed to cause player data received from said one remote player device to be stored in memory (Column 4, lines 29-33),

- said controller of said website server being programmed to cause data representing a game selection display (virtual casino floor showing video poker, keno, slots, black jack, etc. game selections) to be transmitted to said one remote player device, said game selection display comprising a first image representing said first game and a second image representing said second game (Figure 4B),

- said controller of said website server being programmed to receive data representing a game selection from said one remote player device (Column 8, lines 51-55),

- said controller of said website server being programmed to facilitate data communication between said one remote player device and said first gaming server if said player selected said first game for play (Claim 1), and

- said controller of said website server being programmed to facilitate data communication between said one remote player device and said second gaming server if said player selected said second game for play (Claim 1).

Regarding Claim 30:

- wherein said memory of said first gaming server stores image data representing an image of at least five playing cards if said first game comprises poker (Figure 7B),

- wherein said memory of said first gaming server stores image data representing an image of a plurality of simulated slot machine reels if said first game comprises slots (Figure 5A),

- wherein said memory of said first gaming server stores image data representing an image of a plurality of playing cards if said first game comprises blackjack (Figure 6A),

- wherein said memory of said first gaming server stores image data representing an image of a plurality of keno numbers if said first game comprises keno (Figure 9B), and

- wherein said memory of said first gaming server stores image data representing an image of a bingo grid if said first game comprises bingo (Column 1, lines 26-44).

Regarding Claims 17 and 23:

- wherein said controller of said first gaming server comprises a plurality of processors capable of parallel operation (Claim 1).

Regarding Claims 18 and 24:

- wherein said first game and said second game are the same type of game (Figure 6A and 7B). Blackjack is depicted in figure 6A and Poker is depicted in figure 7B. Both are the same type of game, that game being a card game.

Although Wiltshire does not disclose the use of a website server that is operatively coupled to a first gaming server that facilitates play of a first game and a second gaming server that facilitates the play of a second game. It would have been obvious to design Wiltshire's computer gaming system to comprise at least two server/host computers each storing and executing a different game program. One reason one would be motivated to do so is to efficiently allocate server/host memory resources. Storing and executing multiple games on each server/host computer would make game operation execution cumbersome because multiple different games would be required to be executed in memory simultaneously, whereas, storing and executing one type of game on each server/host computer leads to a more streamlined and organized design which could be easily implemented in Wiltshire's gaming system.

4.   Claims 1, 2-4, 8-12, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552).

Wiltshire et al. teaches that as discussed above regarding claims 16-18, 22-24, 29-32, 37, and

40-42. Wiltshire et al. additionally discloses:

Regarding Claim 8:

- wherein said first game may be played exclusively via said first gaming server, wherein

  said controller of said first gaming server is not programmed to facilitate play of said

  second game, and wherein said memory of said first gaming server does not store image

  data corresponding to a video image representing said second game (Claim 1); and

- wherein said second game may be played exclusively via said second gaming server,

  wherein said controller of said second gaming server is not programmed to facilitate play

  of said first game, and wherein said memory of said second gaming server does not store

  image data corresponding to a video image representing said first game (Claim 1).

Regarding Claim 10:

- wherein said first image comprises a first icon (virtual casino floor showing video poker

  button (Icon) **440**, keno button (Icon) **460**, slots button (Icon) **450**, black jack button

  (Icon) **430**, etc. game selections) and wherein said second image comprises a second icon

  (virtual casino floor showing video poker button (Icon) **440**, keno button (Icon) **460**, slots

  button (Icon) **450**, black jack button (Icon) **430**, etc. game selections) and wherein said

  controller of said website server is programmed to cause data representing said first and

  second icons to be transmitted to said one remote player device (Claim 1 and Figure 4B).

Although Wiltshire et al. strongly suggests logging on a game server via a network, Wiltshire

et al. lacks explicitly disclosing this feature. Wiltshire lacks explicitly disclosing:

Regarding Claims 1, 9, and 27:

- said controller of said website server being programmed to cause logon display data to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server.

Vuong et al. teaches of a networked based gaming system that enables a number of players to place wagers on real-time games of chance conducted in a casino via a distributed network system. Therefore, Vuong et al. and Wiltshire et al. are analogous art. Vuong et al. additionally teaches :

Regarding Claims 1, 9, and 27:

- said controller of said website server being programmed to cause logon display data to be transmitted to one of said remote player devices via said network communications circuit when said one remote player device is operatively coupled to said website server (Figure 4, Column 8, line 52-Column 9, line 14).

It would have been obvious at the time of Applicant's invention to modify Vuong's logon function in Wiltshire. One would be motivated to do so in order for Wiltshire's system to access a website as shown in figure 3 and to facilitate the accounting server/host disclosed in Wiltshire (Column 4, line 66-Column 5, line 13) in order to readily track a particular player's gaming activity and financial winnings/losses.

5.   Claims 5, 13, 19, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552) and further in view of Moody (U.S. 6,098,985).

Wiltshire et al. in view of Vuong et al. teaches to one having ordinary skill in the art that as discussed above regarding Claims 1, 2-4, 8-12, and 27-28. Although Wiltshire et al. discloses a

gaming system wherein a player can play a poker game, Wiltshire et al. seems to lack explicitly

disclosing:

Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game.

Moody teaches of a computer game system wherein a player can play multiple hands of

poker. Since Wiltshire et al., Vuong et al., and Moody each teach of game systems wherein a player

can play a game of poker on a computer game system, they are analogous art. Furthermore, Moody

teaches:

Regarding Claims 5, 13, 19, and 25:

- a game comprises a multi-hand poker game (Column 1, lines 37-52).

It would have been obvious to one having ordinary skill in the art, at the time of the

applicant's invention, to incorporate Moody's multi-hand poker game in Wiltshire in view of

Vuong's gaming system. One would be motivated to do so because the game allows a player to

discard and replace unwanted cards with replacement cards in a first poker hand, distribute the cards

kept in the first hand to the remaining hands, and play poker for each of the poker hands, wherein the

player is paid for any winning poker hands based upon a pay table and the amount of the player's

wager making the game very exciting.

6.   Claims 6, 7, 14, 15, 20, 21, 26, 38, and 39 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wiltshire et al. (U.S. 6,409,602) in view of Vuong et al. (U.S. 5,762,552) and

further in view of Holch et al. (U.S. 6,089,982).

Wiltshire et al. in view of Vuong et al. teaches to one having ordinary skill in the art that as

discussed above regarding Claims 1, 2-4, 8-12, and 27-28. Although Wiltshire et al. discloses each

client/terminal computer (120) includes wagering or bet acceptor device (150), such as a coin

collector, a bill collector, a smart-card reader, a credit card reader, etc, Wiltshire et al. seems to lack

explicitly disclosing:

Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data

  transmitted to said website server and wherein said controller of said website server is

  programmed to decrypt data received by said website server from one of said gaming

  servers.

Regarding Claims 7, 15, 21, and 26:

- wherein one of said controllers of one of said gaming servers is programmed to determine

  whether a data communication received by said one gaming server was transmitted by an

  authorized sender.

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server

  from one of said gaming servers.

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data

  from

- said gaming apparatus to said website computing apparatus; and

- encrypting said second game display data prior to transmitting said second game display

  data from said gaming apparatus to said website computing apparatus.

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing

  apparatus.

Holch et al., like Wiltshire et al. and Vuong et al., teaches of an online gaming system

wherein a player is allowed to select from multiple wagering games to play at a player terminal.

Therefore, Holch et al., Wiltshire et al., and Vuong et al. are analogous art. Furthermore, Holch et al.

teaches of encrypting player pin and account data while communicating over a network. Holch et al.

teaches:

Regarding Claim 6:

- wherein said controller of one of said gaming servers is programmed to encrypt data

    transmitted to said website server and wherein said controller of said website server is

    programmed to decrypt data received by said website server from one of said gaming

    servers (Figure 5a and Column 6, lines 52-65).

Regarding Claims 7, 15, 21, and 26:

- wherein one of said controllers of one of said gaming servers is programmed to determine

    whether a data communication received by said one gaming server was transmitted by an

    authorized sender (Figure 5a and Column 6, lines 52-65).

Regarding Claims 14 and 20:

- wherein said controller is programmed to decrypt data received by said website server

    from one of said gaming servers (Figure 5a and Column 6, lines 52-65).

Regarding Claim 38:

- encrypting said first game display data prior to transmitting said first game display data

    from said gaming apparatus to said website computing apparatus (Figure 5a and Column

    6, lines 52-65); and

- encrypting said second game display data prior to transmitting said second game display

    data from said gaming apparatus to said website computing apparatus (Figure 5a and

    Column 6, lines 52-65).

Regarding Claim 39:

- decrypting said wager data after receiving said wager data from said website computing

    apparatus (Figure 5a and Column 6, lines 52-65).

Additionally, securing sensitive data over a network such as the Internet via encryption

techniques are notoriously well known. For instance, encryption techniques can be used for accessing

personal finance accounts at financial institutions on the Internet or purchasing merchandise from a

retailers website. Therefore, it would have been obvious at the time of Applicant's invention to

utilize encryption techniques, such as those discussed in Holch to transmit data securely in Wiltshire

in view of Vuong. One would be motivated to do so because providing a secure data interface

enables a remote game player to have a piece of mind when making financial transactions, such as

wagers via a credit card, over the Internet.

Response to Arguments

7.   Applicant's arguments, see pages 15-17, filed February 1, 2005, with respect to the

rejection(s) of claim(s) 16-18, 22-24, 29-32, 37, and 40-42 under 35 U.S.C. 102(e) as being

anticipated by Wiltshire et al. (U.S. 6,409,602) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new

ground(s) of rejection is made to claims 16-18, 22-24, 29-32, 37, and 40-42 in view of Wiltshire et

al. (U.S. 6,409,602) under 35 U.S.C. 103(a).

8.   Regarding Claims 1, 9, 16, 22, 27, 29, 37, and 42, Applicant states Wiltshire "utilizes a

network interface 115 to connect to *a single* server/host computer 110 to client/terminal computers

120...[and] nowhere in Wiltshire does it appear to disclose or suggest a system that is configured to divide functionality between three or more separate servers." (*emphasis added*) (see page 13 of response). Applicant further alleges Wiltshire does not disclose or suggest the use of a website server that is *capable* of being operatively coupled to a first gaming server that facilitates play of a first game and a second gaming server that facilitates the play of a second game. The examiner respectfully disagrees for several reasons. (*emphasis added*) First, Applicant admits on page 14 of the response that "Wiltshire discloses one or more server/host computers may be used." Second, Wiltshire discloses *one* game program may be executed on a server/host computer (*emphasis added*) (Column 4, lines 35-37 and Column 8, lines 64-65). Third, in Wiltshire, claim 1, one or more server/host computers may each have one or more gaming programs executed on each server/host computer. Therefore, Wiltshire is capable of having a first server/host computer having a first type of game program stored thereon and executed and capable of having a second server/host computer having a second type of game program stored thereon and executed. It would have been obvious to design Wiltshire's computer gaming system to comprise at least two server/host computers each storing and executing a different game program. One reason one would be motivated to do so is to efficiently allocate server/host memory resources. Storing and executing multiple games on each server/host computer would make game operation execution cumbersome because multiple different games would be required to be executed in memory simultaneously, whereas, storing and executing one type of game on each server/host computer leads to a more streamlined and organized design which could be easily implemented in Wiltshire's gaming system.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The

examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR, see

http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones
Primary Examiner
Art Unit 3713

sej